

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION (HWMC)
April 20, 2006
9:00 A.M.
1738 East Elm
Bennett Springs Conference Room
Jefferson City, MO 65101

COMMISSIONERS PRESENT

Patrick Gleason, Chairman
Tim Warren, Vice-Chairman
Norella Huggins
Derrick Standley
Ben Kessler
Susan Williamson
Jamie Frakes

CALL TO ORDER

Patrick Gleason, HWMC Chairman, called the General Session to order at 9:00 A.M.

EXECUTIVE SESSION

An Executive Session was not held since there were no Executive Session agenda items.

RESIGNATION OF PAUL SCHMIDT AND APPOINTMENT OF JAMES T. "JAMIE" FRAKES

Chairman Gleason acknowledged the resignation of Paul Schmidt and the new appointment of Jamie Frakes.

APPROVAL OF MINUTES

Motion was made by Commissioner Standley and seconded by Commissioner Huggins to approve the February 1, 2006, Executive Session Minutes.

Motion carried.

Motion was made by Commissioner Warren and seconded by Commissioner Standley to approve the February 1, 2006, General Session Minutes.

Motion carried.

REQUEST TO DISMISS THE APPEAL OF THE DEPARTMENT'S PROPOSAL TO LIST THE WISE, WARREN INC. – CAIRO (HEETCO PROPERTY) SITE ON THE REGISTRY

Ms. Shelley Woods, Attorney General's Office (AGO), gave a brief history and updated information regarding the appeal and request for dismissal. She asked for the Commission to act upon the request for dismissal.

Motion was made by Commissioner Williamson and seconded by Commissioner Kessler to dismiss the Registry appeal.

Motion carried and the Order of Dismissal was signed.

REQUEST TO GRANT A VARIANCE TO CONTINENTAL CEMENT COMPANY (CCC) FROM 10 CSR 25-7.264(3)(B)(2). SUBJECT TO CONDITIONS STATED IN THE VARIANCE ORDER.

Aaron Schmidt, Permits Section, gave a brief history on the variance request and answered questions from the Commissioners regarding the railcar processing time, number of railcars stored, spill retention, railcar management and movement. Mr. Jerry Epperson, CCC also offered some information and Ms. Shelley Woods, AGO, read the criteria the variance has to meet. Mr. David Shorr, Lathrop & Gage, noted the demurge costs and their interests in the protection of public health and the environment. Mr. Schmidt noted that a rule change may be forthcoming and provisions for storage times greater than the 10-day variance would be reviewed by the Program on a case-by-case basis.

Motion was made by Commissioner Kessler and seconded by Commissioner Warren to grant the variance.

Commissioner Huggins commended the staff's and department's efforts to protect the environment with safeguards and conditions of the variance. Commissioner Standley asked about getting a letter from Homeland Security supporting this effort.

Motion carried and the Variance Order was signed.

REQUEST TO GRANT A VARIANCE TO DAIMLERCHRYSLER CORPORATION FROM THE HAZARDOUS WASTE MANAGEMENT REGULATIONS, WHERE CLEAN AIR ACT STANDARDS ARE MET IN LIEU OF STANDARDS TO REDUCE SOLVENT VAPOR EMISSIONS FROM HAZARDOUS WASTE STORAGE TANK SYSTEMS.

Mr. Tom Judge, Compliance/Enforcement Section, gave a brief history and answered questions from the Commissioners regarding compliance by 2007, partial-year variance, and the St. Louis County Health Department's involvement. Mr. John Faletto was also in attendance.

Motion was made by Commissioner Huggins and seconded by Commissioner Standley to grant the variance.

Motion carried and the Variance Order was signed.

FORD MOTOR COMPANY, HAZELWOOD PLANT AND CLAYCOMO PLANT,
VARIANCE REQUESTS

Mr. Tom Judge, Compliance/Enforcement Section, gave a brief history and update of the variance request for Ford Motor Company from 40 CFR Parts 264 and 265, Subpart BB.

REQUEST TO REFER BOGGS REPAIR AND SALES TO THE AGO IN ORDER TO
COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Mr. Chris Veit, Compliance/Enforcement Section, gave a brief history and updated information on the status of Boggs Repair and Sales. He also answered questions from the Commissions regarding penalties, number of vehicles on site, location, and length of operation.

Motion was made by Commissioner Kessler and seconded by Commissioner Williamson to refer Boggs Repair and Sales to the AGO to compel compliance and pursue or negotiate a civil penalty.

Motion carried.

Commissioner Standley also inquired about the name of the crushing company as it may be prudent to find out other locations with similar practices.

REQUEST TO REFER MIDWAY LITTLE GENERAL (ST0011378) TO THE AGO IN
ORDER TO COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Mr. Angela Oravetz, Compliance/Enforcement Section, gave a brief history and updated information on the status of Midway Little General's request for referral to the AGO. The violations were failure to demonstrate financial responsibility and remain in compliance with the 1998 upgrade standards. The facility has returned to compliance, but has not successfully negotiated a penalty.

Motion was made by Commissioner Huggins and seconded by Commissioner Warren to refer Midway Little General to the AGO to compel compliance and pursue or negotiate a civil penalty.

Commissioner Standley asked about the maximum penalty pursued versus the final penalty imposed.

Motion carried.

REQUEST TO REFER LOETHEN OIL COMPANY'S ZIP STOP ELLIS BOULEVARD
(ST0018823) AND ZIP STOP OSAGE BEACH (ST0011370) TO THE AGO IN ORDER TO
COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Ms. Angela Oravetz, Compliance/Enforcement Section, gave a brief history and updated information on the status of the Loethen Oil Company's referrals and answered questions from the Commissioners regarding penalties and legal representation.

Motion was made by Commissioner Standley and seconded by Commissioner Kessler to refer Loethen Oil Company to the AGO to compel compliance and pursue or negotiate a civil penalty.

Motion carried.

UPDATE OF KWIK PANTRY #1 (ST0003892) REFERRAL TO THE AGO

Ms. Angela Oravetz, Compliance/Enforcement Section, gave a brief history and updated information regarding Kwik Pantry #1.

REQUEST TO REFER GLENN'S GARAGE (ST0004052) TO THE AGO IN ORDER TO COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Ms. Heather Peters, Tanks Section, gave a brief history on the status of Glenn's Garage, regarding various tanks violations and requested referral of the case to the AGO. Mr. Glenn Jensen also appeared before the Commission and answered questions from the Commissioners regarding cleanup responsibility, ownership, and bankruptcy issues. Ms. Peters replied to a question regarding the location of the tanks. Mr. Jensen noted that the tanks are located on railroad property.

Ms. Candice Bias, Compliance/Enforcement Section, gave a brief history regarding the Hazardous Waste Management Act violations. Ms. Bias noted DNR inspections in June 2005 that had taken place finding 15 drums of ignitable waste, leaking drums, abandoned drums, and the inspector's inability to evaluate some drums due to safety issues. A time-critical removal was requested from EPA to address these issues, but two suspicious fires at the site occurred before the EPA removal could occur.

Motion was made by Commissioner Huggins and seconded by Commissioner Kessler to refer Glenn's Garage to the AGO to compel compliance and pursue or negotiate a civil penalty.

Motion carried.

E-SCRAP STAKEHOLDERS WORK GROUP UPDATE

Mr. Mike Menneke, Compliance/Enforcement Section, gave a brief summary of the E-Scrap Stakeholders Work Group meeting held April 19, 2006. (Attachment)

The Commissioners and Mr. Menneke discussed how Missouri is pursuing this effort, other states efforts, industry involvement, and manufacturer's responsibility.

Mr. Robert Geller noted his appreciation for the Commissioners participation and offered the opportunity to all attendees to become involved directly or to remain apprised via the the web site. The next Framer's Committee meeting has not been set, although the next Stakeholder's meeting is scheduled for June 14, 2006.

Commissioner Frakes asked about the involvement of Rural Electric Cooperatives with the collection of e-scrap. Commissioner Warren and Mr. Geller offered an explanation of the suggestion of the Cooperatives serving as a collection source. Commissioner Frakes is interested in staying informed with this effort.

Commissioner Williamson asked about the collection site in Columbia, MO.

BREAK – 10 minutes

RULEMAKING UPDATE

Tim Eiken, HWP Rule Coordinator, provided an update to the Commissioners regarding pending rulemakings:

- Adopt by Reference the Changes to the Code of Federal Regulations thru July 2004
 - May 1 Missouri Register
 - June 15 Public Hearing
 - Rulemaking schedule (attached)
- Procedural Rule for the Hazardous Waste Management Commission
 - Request to Begin
 - Interagency Executive Review
 - Finding of Necessity – next HWMC meeting (June 15)
- Authorization Package
 - Approved by EPA, Region VII
 - Federal Register in May

BUDGET UPDATE

Mr. Robert Geller noted that the HWP intends to make this an annual update.

Ms. Andrea Kliethermes, Budget and Planning Section Chief, gave a summary and comparison between the FY06 and proposed FY07 HWP budget. The budget presentation included the appropriations that are specifically coded to the Hazardous Waste Program with the exception of the Petroleum Storage Tank Insurance Fund, which is allocated to the HWP from the department's budget. Ms. Kliethermes also discussed the functions that each funding source supported in the program. She also discussed the fact that the \$8.3 million FY 06 and \$8.7 million FY 07 budget does not include overhead type expenditures such as, fringe, cost allocation, indirect, leases, utilities and other programs, divisions, or agency expenses that provide support towards the hazardous waste effort. The total hazardous waste effort is in the range of \$16 to \$18 million annually.

Commissioner Standley inquired about the possibility of digitizing program files.

Ms. Kliethermes and Mr. Geller noted that there are funding issues and Ms. Woods noted the legal issues that need to be discussed further. The department and the program will clarify plans to digitize files in a future meeting.

Commissioners Warren and Huggins asked for a further breakdown of the "white" area on the chart provided, describing the use of the Hazardous Waste Fund for other programs or agencies. It was also noted that General Revenue was not available to HWP for FY06.

Mr. Geller gave additional information regarding the FY07 budget projections and answered the Commissioners questions regarding the battery fee, EPA 10% match funds, General Revenue, SB 225, and interest on late fees, which included a discussion on the procedures, legal issues, and possible statute review.

MONTHLY REPORTS

Mr. Geller noted that the monthly reports were included in the packet.

PUBLIC INQUIRIES OR ISSUES

Mr. Roger Walker discussed briefly the meeting held April 10, which focused on rules more stringent than federal rules. Mr. Geller also noted the meeting was successful and some rules may require further review.

OTHER BUSINESS

Mr. Geller briefly discussed the MRBCA technical guidance and noted that it was posted on the web and the final Stakeholders' Workgroup meeting will be held June 1, 2006.

Mr. Geller also noted that the underground storage tank Request for Proposal (RFP) is almost completed. Ms. Kathy Flippin and Ms. Carol Eighmey have been working towards a final draft.

Mr. Geller answered Commissioner Warren's question regarding the short timeline to complete the RFP and Commissioner Huggins' question about the co-contract and the regulatory protocol.

FUTURE MEETINGS

Chairman Gleason noted that the next HWMC meeting is scheduled for June 15, 2006, in Jefferson City.

ADJOURNMENT

Motion to adjourn was made by Chairman Gleason and seconded by Commissioner Standley.

Motion carried and the meeting was adjourned.

Respectfully Submitted,

Judith Clark, Commission Secretary

APPROVED

Patrick Gleason, Chairman

Date